

Effective 5/10/2016

Superseded 7/17/2016

31A-44-602 Enforcement by department -- Rulemaking.

- (1) Subject to the requirements of Title 63G, Chapter 4, Administrative Procedures Act, the department may:
 - (a) receive and act on a complaint about a provider or a facility;
 - (b) take action designed to obtain voluntary compliance by the provider with this chapter;
 - (c) commence administrative or judicial proceedings on the commission's own in order to enforce compliance by a provider with this chapter; or
 - (d) take action against a provider who fails to:
 - (i) respond to the department, in writing, before 30 business days after the day on which the provider receives notice from the department of a complaint filed with the department; or
 - (ii) submit information requested by the department.
- (2) The department may:
 - (a) counsel an individual on the individual's rights or duties under this chapter;
 - (b) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
 - (i) restrict or prohibit practices by the provider that are misleading, unfair, or abusive;
 - (ii) promote or assure fair and full disclosure of the terms and conditions of continuing care contracts, agreements, and communications between a resident and a provider;
 - (iii) promote or assure the ability of the public to compare continuing care contracts, providers, and facilities; and
 - (iv) clearly disclose any financial risks related to a provider's facility to the facility's residents;
 - (c) employ hearing examiners, clerks, and other employees and agents as necessary to perform the department's duties under this chapter; and
 - (d) appoint a receiver for a provider.